

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Monroe D. Kiar, Town Attorney  
(954) 584-9770

**SUBJECT:** Resolution

**TITLE OF AGENDA ITEM:**

**A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SETTING A NON-BINDING ADVISORY REFERENDUM CONCERNING CHANGING THE CURRENT LAND DEVELOPMENT REQUIREMENT TO CLUSTER DEVELOPMENT WITH OPEN SPACE; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**REPORT IN BRIEF:**

The Planning Staff recently gave a report concerning their progress with regard to the Zoning in Progress which they are working on. The Town Administrator requested that the Town Attorney's Office prepare a non-binding advisory referendum for the November, 2002, election. Attached is the proposed Resolution.

**PREVIOUS ACTIONS:**

N/A

**CONCURRENCES:** N/A

**FISCAL IMPACT:** N/A

**RECOMMENDATIONS:** The Town Attorney finds the attached Resolution complete and suitable for transmittal to Town Council for further consideration.

**ATTACHMENTS:** Resolution

## **RESOLUTION NO. R-02-**

**A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SETTING A NON-BINDING ADVISORY REFERENDUM CONCERNING CHANGING THE CURRENT LAND DEVELOPMENT REQUIREMENTS TO CLUSTER DEVELOPMENT WITH OPEN SPACE; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Davie is desirous of land development which is consistent with the desires of the citizens of Davie within the requirements of the law; and

**WHEREAS**, the Town Council is desirous of seeking the opinion of the public as to future land development policy concerning land development; and

**WHEREAS**, the Town Council feels that the future land development policy as concerns land zoned for one unit per acre is of significant public interest and concern; and

**WHEREAS**, the Town Council of the Town of Davie feels it is in the best interests of the Town of Davie to obtain the opinion of the citizens of the Town of Davie through a non-binding advisory referendum on the land development issue as contained within the proposed advisory referendum.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:**

**SECTION 1.** The Town Council does hereby call a non-binding advisory referendum to be held in conjunction with the general election in November, 2002, for the purpose of receiving public input as to the future policy of the Town of Davie with respect to land development of land designated or zoned at one unit per acre. Said referendum shall be held at the same polling places in the several precincts, respectively, in the Town as the polling places for the general election to be held on the same day. The inspectors and clerks who shall conduct said referendum ("election

officials”) shall be the same as those selected and appointed for the general election. The polling places for the referendum shall be open from 7:00 A.M. to 7:00 P.M. on the same day. In accordance with the Constitution and laws of the State of Florida, all qualified electors of the Town shall be entitled and permitted to vote in the non-binding advisory referendum.

**SECTION 2.** The following non-binding advisory referendum question shall be placed on the ballot on the general election held in November, 2002:

**NON-BINDING ADVISORY REFERENDUM  
CONCERNING CHANGING CURRENT LAND  
DEVELOPMENT TO ALLOW CLUSTER  
DEVELOPMENT WITH OPEN SPACE.**

Do you favor changing the current traditional land development of land zoned or designated as one unit per acre which currently requires 35,000 square feet net dry for each parcel for a residence to cluster development which allows less than 35,000 square feet net dry for each parcel for a residence and does not increase the density in its development calculation, with the excess land being used as open space?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**SECTION 3.** The form of ballot for the referendum question shall be the same or substantially similar to that as contained in the immediate previous Section, and the substance shall be the same as indicated in the immediate previous Section.

**SECTION 4.** The Town Clerk is hereby authorized and directed to deliver copies of the ballot set forth in this Resolution to the Supervisor of Elections of Broward County, Florida

(“Supervisor”) for printing; to ascertain that the wording of the ballot is correctly printed therein; and to ensure that any reprinting, if necessary, is ordered by the Supervisor, all within such time as is necessary to allow compliance with any mailing requirements imposed by law in connection with absentee ballots.

**SECTION 5.** Absentee ballots containing the question set forth in Section 2 above shall be prepared for use of qualified electors entitled to cast such ballots in the Referendum in accordance with Florida Statutes.

**SECTION 6.** The referendum shall be held and conducted in the manner prescribed by law for holding general elections in the Town. The Election Officials at each polling place in the several precincts, respectively, shall prepare and file returns of the referendum and deliver the same to Broward County Canvassing Board for canvassing in the manner provided by applicable law. Said returns shall be certified to the Town Council of the Town, which shall declare the results thereof and record the same in its minutes along with the number of qualified electors of the Town who voted at the referendum on the question proposed and the number of votes cast for and against the question on the ballot.

**SECTION 7.** The Supervisor is hereby authorized and requested to make up and certify a list of names of all qualified electors residing in the Town. A certified copy of such list shall be furnished to the Town Clerk and filed among the records of the Town Council.

**SECTION 8.** The results of the non-binding advisory referendum shall be considered by Council, however, shall not be binding upon any future decision of the Town Council.

**SECTION 9.** The Town Council shall prepare a notice of the referendum in the manner required by law. The Notice of Referendum together with an appropriate caption in such form as the Town Clerk shall determine shall be published in the Sun Sentinel/Fort Lauderdale News or any other newspaper of general circulation within the Town, once in the fifth and third weeks prior to the week in which the Referendum is to be held, the first publication to be not less than 30 days prior to the date of such Referendum. The Town Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof that this Referendum has been duly published, and said affidavit shall be made a part of the record of the Town Council.

**SECTION 10.** In the event that any word, phrase, clause, sentence, paragraph or portion hereof shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 11.** This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2002.